UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte WOJCIECH GROHMAN, JACOB JENNINGS, and
AMANDA FILBECK[1]

Appeal 2016-002322
Application 12/603,483
Technology Center 2100

Before MICHAEL J. STRAUSS, DANIEL N. FISHMAN, and
JAMES W. DEJMEK, *Administrative Patent Judges*.

DEJMEK, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) from a Final Rejection of
claims 1–20. We have jurisdiction over the pending claims under 35 U.S.C.
§ 6(b).

We affirm-in-part.

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[1] Appellants identify Lennox Industries Inc. as the real party in interest.
App. Br. 2.

STATEMENT OF THE CASE

Introduction

Appellants' claimed invention is directed to "an HVAC [(heating, ventilation, and air conditioning)] data processing and communication network." Abstract. In disclosed embodiments, various components (e.g., furnace, compressor, and air handlers) of an HVAC system may communicate with each other or to a user via a data bus. Spec. ¶¶ 25, 27. Examples of information shared include identity, capability, status, and operational data. Spec. ¶ 25. Further, in disclosed embodiments, a display may be included to "provide additional functions such as operational, diagnostic and status message display and an attractive, visual interface that allows an installer, user or repairman to perform actions with respect to the system [] more intuitively." Spec. ¶ 29.

Claims 1 and 17 are exemplary of the subject matter on appeal and are reproduced below with the disputed limitations emphasized in italics:

> 1.   A method of manufacturing an HVAC data processing and communication system, comprising:
>
>   configuring a user interface to:
>
>   receive a first parameter setting associated with a system device addressable by said user interface via a network data bus, said network data bus being configurable to interconnect a plurality of system devices;
>
>   send a first message to said system device via said network data bus, said first message including said first parameter setting;
>
>   *receive a second message from said system device via said network data bus, said second message including a second parameter setting that is dependent on said first parameter setting*; and
>
>   alter a display screen to make said second parameter setting available for viewing.

17.   An HVAC data processing and communication network, comprising:

a network data bus configurable to interconnect a plurality of system devices;

a subnet controller configured to receive from via said network data bus a first message including environmental data; and

a user interface configured to:

receive from said subnet controller via said networked data bus a second message including said environmental data; and

alter a display screen to display said environmental data.

The Examiner's Rejections

1.   Claims 1–5, 7–13, and 15–20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hoglund et al. (US 2008/0134098 A1; June 5, 2008) ("Hoglund") and Hunter et al. (US 6,363,422 B1; Mar. 26, 2002) ("Hunter"). Final Act. 2–7.

2.   Claims 6 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hoglund, Hunter, and Bergman et al. (US 2007/0008116 A1; Jan. 11, 2007) ("Bergman"). Final Act. 7–8.

Issues on Appeal

1.   Did the Examiner err in finding the combination of Hoglund and Hunter teaches or suggests sending a first parameter setting to a system

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device and receiving a second parameter setting, which is dependent upon the first parameter setting, from the system device, as required in claim 1?[2]

2. Did the Examiner err in finding the combination of Hoglund, Hunter, and Berman teaches or suggests receiving a (second) message including environmental data from a subnet controller, as required in claim 17?

3. Did the Examiner err in finding the combination of Hoglund, Hunter, and Berman teaches or suggests "alter[ing] a display screen to display said environmental data," as recited in claim 17?

ANALYSIS[3]

Claims 1–16

In rejecting claim 1, the Examiner finds Hoglund teaches, inter alia, "send[ing] a first message to [a] system device . . . including [a] first parameter setting; [and] receiv[ing] a second message from said system device . . . including a second parameter setting that is dependent on said first parameter setting." Final Act. 3 (citing Hoglund ¶¶ 58–59, Figs. 7, 31–38). The Examiner explains Hoglund teaches configuration menus for an HVAC system wherein the presented menu is based on previous settings entered by the user. Final Act. 3. Further, in the Answer, the Examiner

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[2] We only address this issue, which is dispositive of the rejection of claim 1. We do not address additional issues raised by Appellants' arguments with respect to claim 1.

[3] Throughout this Decision we have considered the Appeal Brief, filed May 4, 2015 ("App. Br."); the Reply Brief, filed December 21, 2015 ("Reply Br."); the Examiner's Answer, mailed on October 23, 2015 ("Ans."); and the Final Office Action ("Final Act."), mailed on August 29, 2014, from which this Appeal is taken.

finds "Hunter discloses a server system that evaluates response variable data
in accordance to parameters including temperature and humidity as
examples of first parameters . . . [and] the server then makes a decision as to
what actions to take." Ans. 9–10 (citing Hunter, col. 11, ll. 29–48, col. 12,
l. 61–col. 13, l. 9, col. 13, ll. 53–67).

Appellants contend the Examiner erred in finding Hoglund teaches
receiving a second parameter from a system device that is dependent upon a
first parameter setting. App. Br. 7–10. Specifically, Appellants assert
Hoglund is directed to providing an intuitive and easy to use menu structure
for a zone control panel. App. Br. 8 (citing Hoglund, Abstract). Appellants
dispute the Examiner's finding that the particular menu screen to be
displayed is the claimed second parameter dependent upon a first parameter
setting, but rather is a pre-defined menu structure that the user may "scroll
through." App. Br. 8–9 (citing Hoglund ¶¶ 7, 54, 58–59, Figs. 5, 7).

To the extent the Examiner relies on Hunter to teach the disputed
limitation, Appellants contend the passage relied upon by the Examiner does
not teach a parameter setting, but instead refers to a measurement of the
actual temperature. Reply Br. 2–4 (citing Hunter, col. 11, ll. 29–43).
Further, Appellants argue the example in Hunter (i.e., measuring an actual
temperature of 81° and a temperature setting of 80°) does not teach setting a
first parameter (i.e., the measure temperature), or sending a second
parameter (i.e., the temperature setting) based on the first parameter to a user
interface. Reply Br. 3–4.

We find Appellants' arguments persuasive of Examiner error. As
identified by the Examiner, Hoglund teaches a configuration mode of an
HVAC system at a zone control panel. *See, e.g.*, Hoglund ¶¶ 18, 58–59,

Fig. 7. Although Hoglund teaches the menu options may be dependent upon previous selections, the Examiner has not sufficiently explained why the evidence supports a finding that Hoglund's subsequent menu options are provided from the system device via the network data bus, as recited in claim 1. Instead, we agree with Appellants that Hoglund teaches a menu structure for configuring an HVAC system.

Further, we agree with Appellants that Hunter, as relied upon by the Examiner, does not teach the disputed limitation. Rather, the identified example of Hunter describes the operation of the system as a result of comparing a measured value (i.e., temperature) to a set value. *See* Hunter, col. 11, ll. 29–49. The Examiner has not provided sufficient explanation or technical reasoning in support of a finding that the temperature threshold is dependent upon the measured temperature. Rather, the evidence merely discloses the measured and set temperatures are two values that cause the system of Hunter to perform certain acts (e.g., turn a fan on).

For the reasons discussed *supra* and on the record before us, we are constrained to reverse the Examiner's rejection of claim 1. For similar reasons, we do not sustain the Examiner's rejection of claim 9, which recites similar limitations. Additionally, we do not sustain the Examiner's rejections of claims 2–8 and 10–16, which depend therefrom.

Claims 17–20

Appellants contend the Examiner erred in finding Hoglund teaches or suggests a user interface configured to "receive from said subnet controller via said networked data bus a second message including said environmental data," as recited in claim 17. App. Br. 12–13. Appellants advance similar

arguments to the Examiner's rejection of claim 17 as were advanced with respect to claim 1. App. Br. 12–13. In particular, Appellants argue "the menu structure of Hoglund does not receive a second message from a subnet controller, let alone a second message including environmental data from a subnet controller." App. Br. 12 (citing Hoglund ¶¶ 56–59).

As an initial matter, we note the scope of claim 17 is broader than the scope of claim 1 in that the received second message need not include a second parameter based on the first parameter setting. *Cf.* claim 1 *and* claim 17.

Additionally, we are not persuaded of Examiner error because Appellants' arguments are not responsive to the Examiner's rejection. Specifically, the Examiner finds, and we agree, the zone control panel's checkout mode from paragraphs 79–86 of Hoglund teaches, *inter alia*, receiving a second message including environmental data from a subnet controller. Final Act. 6 (citing Hoglund ¶¶ 79–86, Figs. 23–43).

Further, we note Appellants had argued Hunter fails to teach "alter[ing] a display screen to make said second parameter setting available for viewing," as recited in claim 1. App. Br. 10–11. In particular, Appellants asserted Hunter's "discussion of displaying to a user a system state and history information associated with monitored equipment" does not teach that such state or history information "is dependent on a first parameter setting that is sent to the monitored equipment." App. Br. 11. Appellants rely on a similar argument with respect to claim 17. App. Br. 12.

Claim 17 does not require the display of a second parameter based on a first parameter setting. Thus, Appellants' arguments are not commensurate with the scope of claim 17 and, therefore, do not persuade us

of error in the Examiner's rejection. *See In re Self*, 671 F.2d 1344, 1348 (CCPA 1982) (limitations not appearing in the claims cannot be relied upon for patentability).

For the reasons discussed *supra*, we are not persuaded of Examiner error. Accordingly, we sustain the Examiner's rejection of claim 17 and the rejection of claims 18–20, which depend therefrom and were not argued separately. *See* App. Br. 12–13.

DECISION

We reverse the Examiner's decision to reject claims 1–16.

We affirm the Examiner's decision to reject claims 17–20.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED-IN-PART